

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION

**Road-Con, Inc.; Neshaminy  
Constructors, Inc.; Loftus  
Construction, Inc.; PKF-Mark III, Inc.;**  
and **Scott A. LaCava,**

Plaintiffs,

v.

**City of Philadelphia; and James Kenney,**  
in his official capacity as mayor of the City  
of Philadelphia,

Defendants.

Case No. 2:19-cv-01667-JS

**NOTICE OF APPEAL**

Plaintiffs Road-Con Inc., Neshaminy Constructors Inc., Loftus Construction Inc., PKF-Mark III Inc., and Scott A. LaCava appeal to the United States Court of Appeals for the Third Circuit from the order denying the plaintiffs' motion for summary judgment, entered on March 27, 2023 (ECF No. 111), and the order granting in part and denying in part the plaintiffs' motion for summary judgment, entered on December 14, 2022 (ECF No. 103).

Respectfully submitted.

WALTER S. ZIMOLONG III  
Pennsylvania Bar No. 89151  
Zimolong, LLC  
Post Office Box 552  
Villanova, Pennsylvania 19085-0552  
(215) 665-0842 (phone)  
wally@zimolonglaw.com

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
Pennsylvania Bar No. 91505  
Mitchell Law PLLC  
111 Congress Avenue, Suite 400  
Austin, Texas 78701  
(512) 686-3940 (phone)  
jonathan@mitchell.law

Dated: April 25, 2023

*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I certify that on April 25, 2023, I served this document through CM/ECF upon:

LYDIA FURST  
Divisional Deputy City Solicitor  
MICHAEL PFAUTZ  
Deputy City Solicitor  
City of Philadelphia Law Department  
1515 Arch Street, 15th Floor  
Philadelphia, Pennsylvania 19102  
(215) 683-3566  
lydia.furst@phila.gov  
michael.pfautz@phila.gov

*Counsel for Defendants*

EDWARD T. KANG  
SUSAN MOON O  
Kang Haggerty & Fetbroyt LLC  
123 South Broad Street, Suite 1670  
Philadelphia, Pennsylvania 19109  
(215) 525-5850  
ekang@khflaw.com  
so@khflaw.com

*Counsel for Intervenor*

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiffs*